

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.635 OF 2010

Virendra Kumar Singh ... Appellant
versus
State of Jharkhand & Anr. ... Respondents

O R D E R

In this appeal by special leave, the assail is to the order dated 08.07.2008 passed by the learned Single Judge of the High Court of Jharkhand at Ranchi in Cr.M.P. No.1188 of 2003 whereby it has declined to exercise the power under Section 482 of the Code of Criminal Procedure for quashing the order of cognizance dated 15.07.2003 in B.F. Case No.23 of 2003 on the file of Chief Judicial Magistrate, Dhanbad.

As the factual matrix would unfold, relating to a particular incident, three complaint cases were filed before the learned Chief Judicial Magistrate, Dhanbad and they were numbered as B.F. Case Nos.20/2003, 21/2003 and 23/2003. The allegation was that they had engaged labourers for construction of a house on the forest land of Matigara Forest. At the relevant time, the

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appellant was working as the Chief General Manager of the BCCL and Digitally signed by Gulshan Kumar Arora
Date: 2015.02.19
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Reason:

he was arraigned as accused in B.F. Case No.23 of 2003. The other accused persons who were Manager and General Manager of the BCCL

were arraigned as accused in B.F. Case Nos.20 of 2003 and 21 of 2003. Though the FIR was lodged on 08.07.1999, cognizance was taken on 15.07.2003. The accused persons in other B.F. cases filed Cr.M.P. Nos.1322 to 1324 of 2003 and the High Court vide

order dated 04.08.2004 had quashed the order of cognizance by stating this :

"On perusal of cognizance order, it appears that neither any petition for extension of period of limitation on behalf of prosecution has been filed nor the court suo motu extended the period of limitation and from perusal of cognizance order and date of occurrence, it appears that in each case cognizance has been taken after expiry of the period of limitation.

In that view of the matter, since in each case cognizance is barred by limitation, cognizance dated 15.07.1999 (sic) taken in all the three cases is hereby quashed."

It is submitted by Mr. Anupam Lal Das, learned counsel for the appellant, that the allegations are similar in nature and all the complaints were filed on the same day though different case numbers were allotted and, therefore, the High Court by the impugned order has committed an error in not following the previous order which had gone unassailed.

Mr. Jayesh Gaurav, learned counsel for the State of Jharkhand, has supported the order passed by the High Court.

On a perusal of the order impugned, we find that the High Court has actually not adverted to the issue of limitation and proceeded to deal with the issue about the competency of the

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authority who has lodged the complaint. In our considered opinion, when in respect of the self-same act, three complaints were filed on the same day and cognizance was taken on the same set of facts and the High Court earlier had quashed the proceedings, it would have been appropriate for the High Court to quash the proceedings as far as the appellant is concerned.

Accordingly, we allow the appeal and set aside the order passed by the High Court and quash the proceedings forming the subject matter of B.F. No.23 of 2003.

.....,J.
(Dipak Misra)

.....,J.
(Adarsh Kumar Goel)

New Delhi;
February 17, 2015.
ITEM NO.2

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 635/2010

VIRENDRA KUMAR SINGH

Appellant(s)

VERSUS

STATE OF JHARKHAND & ANR.

Respondent(s)

(with office report)

Date : 17/02/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Anupam Lal Das, Adv.
Mr. Anirudh Singh, Adv.

For Respondent(s) Mr. Jayesh Gaurav, Adv.
Mr. Krishnanand Pandeya, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)